

Meadowville
3/24/58

IN THE FIRST JUDICIAL DISTRICT COURT, IN AND FOR RICH COUNTY,

STATE OF UTAH

:

IN THE MATTER OF THE GENERAL :
DETERMINATION OF ALL THE RIGHTS :
TO THE USE OF WATER, BOTH SUR- :
FACE AND UNDERGROUND, WITHIN THE :
DRAINAGE AREA OF THE BEAR RIVER :
IN UTAH, RICH COUNTY DIVISION. :

INTERLOCUTORY ORDER

FOR 1958

The above entitled cause came on regularly for hearing before the Court at Randolph, Utah; the State Engineer appearing by Robert E. Porter, Assistant Attorney General; Joseph R. Weston, John E. Weston and Frank E. Weston appearing by Edward W. Clyde; J. N. Cook, Oris K. Cook and Lew D. Cook appearing by Milton A. Oman; Harold Johnson and Farrell Johnson appearing by Paul Thatcher; Del Clarence Cook appearing by George D. Preston; and Stanley Mattson, the Estate of Ole Mattson, deceased, Elijah C. Willis and Joseph C. Willis were duly notified but failed to appear; and evidence having been presented and received and the matter submitted and the Court, being fully and truly advised in the premises and having heretofore made and entered its Findings of Fact and Conclusions of Law herein, now orders that an interlocutory decree be entered in accordance therewith; wherefore, by virtue of the law and the premises, it is

ORDERED, ADJUDGED AND DECREED that North Creek, Little Cheney Spring Stream, Jebo Creek, Tuft Creek and Judd Kimball Spring Stream be, and they are hereby, declared to be tributary streams to Meadowville Creek, and it is further

ORDERED, ADJUDGED AND DECREED that the priority of all of the above named water users for irrigation from said meadowville Creek and its tributaries above named be, and they are hereby, declared to be equal and shall be set as of the year 1863, and it is further

ORDERED, ADJUDGED AND DECREED that all of the waters of Meadowville Creek and its tributaries for irrigation purposes shall be

distributed to the owners and users thereof by and under the direction of the Utah State Engineer for the year 1958 in accordance with the attached priority schedule and due consideration shall be given and proper allowance made for the following factors:

a. When there is sufficient water to satisfy all rights, distribution shall be made as if there were three separate units, namely (1) North Creek and Little Cheney Spring Stream, (2) Jebo Creek, Tuft Creek and Judd Kimball Spring Stream, and Meadowville Creek above and including the Meadowville Ditch Diversion, (3) Meadowville Creek below the Meadowville Ditch diversion, and (4) those lands on Lower Meadowville Creek whose irrigation requirements are satisfied from subsurface sources and have no call on surface flow of Meadowville Creek.

b. When there is not sufficient water to satisfy all rights, the State Engineer shall distribute the water on a pro-rata basis to all users from all of the above sources on an interest basis from each diversion.

c. The State Engineer, in the exercise of his proper discretion, may direct that the water user shall use his fractional share of the stream or may direct that the user shall take all of the stream a fractional part of the time; and, in order to properly distribute said water, the State Engineer shall exercise his statutory authority to require the installation of measuring devices and headgates that are reasonably necessary to make such distribution of water.

d. That the State Engineer shall secure the services of a water commissioner to distribute the water under said priority schedule and shall proceed in accord with state statutes in assessing the water users for such services; and the State Engineer is hereby specifically authorized to withhold water from any user who fails to pay his assessment within the time allotted by the State Engineer. Any measuring devices reasonably required to distribute water under said priority schedule that are of benefit to the entire water system as distinguished from a device that measures water to the individual user shall be installed after collection of the cost thereof by assessment as above set forth either in the year 1958 or in any succeeding year as the State Engineer shall determine.

e. At the conclusion of the 1958 irrigation season, the State Engineer shall formulate a report of his activities and shall present the same, together with his recommendations for succeeding years, to the Court sitting in Randolph, Utah, on Thursday, November 13, 1958, at 11:00 a.m. or at such other time as the Court may direct.

f. That any party who may claim to be damaged by the distribution as above ordered shall have the right at any time upon 30 days notice to all other parties, to petition the Court for such relief as he may seek.

g. That copies of this order and of said priority schedule shall be transmitted to counsel and to all parties concerned and shall become effective upon its entry by the Court and shall continue in effect ~~until superseded by a further order of this Court.~~

Dated this 24 day of March, 1958.

/S/ Lewis Jones
DISTRICT JUDGE

*for 1958 and
thereafter until and
unless same is amended.*